

REMARKS

Reexamination and reconsideration of the claims 10 and 12-27 and 29-31 is respectfully requested. The removal of the previous grounds of rejection is acknowledged with appreciation.

Claim 21 was objected to because antecedent basis was lacking. Claim 21 has been amended to change the dependency. Withdrawal of the objection to claim 21 is respectfully requested.

Claims 23, 24, and 27 were rejected under 35 U.S.C. sec. 102(e) applying U.S. Pat. No. 6,445,859 ('859). For a patent to be applicable under sec. 102(e), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that the '859 reference does not teach each and every feature of amended claim 23. Additionally, the amendment of claim 23 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. For at least this reason, the withdrawal of the sec. 102(e) rejection of claims 23, 24 and 27 is warranted and respectfully requested.

Claims 10, 12, 13, 15, 25 and 26 were rejected under 35 U.S.C. sec. 103(a) applying the '859 patent in view of U.S. Pat. No. 5,165,003 ('003). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that the purported modification does not teach each and every feature of amended claims 10 and 23. Additionally, the amendment of claim 10 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. For at least this reason, the withdrawal of the sec. 103(a) rejection of claims 10, 12, 13, 15, 25, and 26 is warranted and respectfully requested.

10/005,325

C0012

Page 7

Claim 14 was rejected under 35 U.S.C. sec. 103(a) applying the '859 and '003 patents in view of U.S. Pat. No. 5,561,730 ('730). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that the purported combination does not teach, disclose, or otherwise suggest each and every limitation of amended claims 10, 16, or 23. First, the Office Action admits that neither the '859 patent, nor the '003 patent, disclose the use of a silicone wax emulsion finish on a binder thread. See p. 6 of the Office Action dated March 3, 2004. Additionally, as supported by the objective evidence of record the '730 patent does not teach, disclose, or otherwise suggest a silicone wax emulsion finish on a binder thread.

Rather, the '730 patent teaches a fiber optic ribbon using a UV curable ribbon matrix coating materials that harden when exposed to UV radiation, thereby forming the optical fiber ribbon. See the Abstract of the '730 patent. Specifically, the '730 patent teaches that UV curable matrix material 12 "...not requiring additives include silicone acrylates, hybrid silicone-urethane acrylates, and fluorinated backbone acrylates." Additionally, fugitive or non-fugitive additives can be included in the UV curable matrix material. See the '730 patent at Col. 2, ll. 35-42. The fact of the matter is that the '730 patent does not even discuss binder threads. Clearly, the objective evidence shows that the '730 patent is directed towards formulations of UV curable ribbon matrix coatings. In other words, the '730 patent teaches modifying ribbon matrix coatings and the skilled artisan would only have been motivated to modify ribbon matrix coatings. Moreover, the '730 patent teaches UV curable ribbon matrix materials such as silicone acrylates,

10/005,325
C0012
Page 8

rather than a binder thread or element having a silicone wax emulsion finish. Thus, the Office Action has failed to make a *prima facie* case of obviousness.

On the other hand, the claims recite a binder thread or element having a silicone wax emulsion finish. This is advantageous since it aids in the manufacture of the bundle of optical fibers. For instance, the silicone wax emulsion finish allows faster line speeds with less down time because the finish allows a binder thread to easily slide through the eyelets of the stitching needles and relative to another binder thread. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claim 14 is warranted and respectfully requested. Moreover, amended independent claims 10, 16, and 23 are patentable over the references of record, thus making the pending dependent claims also patentable.

Claims 16 and 22 were rejected under 35 U.S.C. sec. 103(a) applying the '859 patent in view of U.S. Pat. No. 5,345,526 ('526). For at least the reasons stated above with respect to claim 16, withdrawal of the sec. 103(a) rejection of claims 16 and 22 is warranted and is respectfully requested.

Claims 17-20 were rejected under 35 U.S.C. sec. 103(a) applying the '859 and '526 patents in view of the '003 patent. For at least the reasons stated above with respect to claim 16, withdrawal of the sec. 103(a) rejection of claims 17-20 is warranted and is respectfully requested.

Claim 21 was rejected under 35 U.S.C. sec. 103(a) applying the '859, '526, and '003 patents in view of the '730 patent. For at least the reasons stated above with respect to claim 16, withdrawal of the sec. 103(a) rejection of claim 21 is warranted and is respectfully requested.

10/005,325
C0012
Page 9

Claim 29 was rejected under 35 U.S.C. sec. 103(a) applying the '859 and '003 patents in view of U.S. Pat. No. 6,167,178 ('178). For at least the reasons stated above with respect to claim 10, withdrawal of the sec. 103(a) rejection of claim 29 is warranted and is respectfully requested.

Claim 30 was rejected under 35 U.S.C. sec. 103(a) applying the '859 and '526 patents in view of the '178 patent. For at least the reasons stated above with respect to claim 16, withdrawal of the sec. 103(a) rejection of claim 30 is warranted and is respectfully requested.

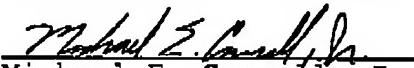
Claim 31 was rejected under 35 U.S.C. sec. 103(a) applying the '859 patent in view of the '178 patent. For at least the reasons stated above with respect to claim 23, withdrawal of the sec. 103(a) rejection of claim 31 is warranted and is respectfully requested.

No new fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Michael E. Carroll, Jr.
Attorney
Reg. No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725

Date: June 3, 2004

10/005,325
C0012
Page 10